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LTYSON

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Customer No. 22,852

Attorney Docket No. 02860.0585

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tomoaki TAMURA et al.

Serial No.: 09/084,007

Filed: May 26, 1998

For: DIGITAL CAMERA

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) Group Art Unit: 2612
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) Examiner: R. Tillery
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Commissioner for Patents and Trademarks
Washington, DC 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

11/10/02
of

In a restriction requirement dated November 29, 2001, the Examiner required restriction under 35 U.S.C. § 121 between Group I, claims 1–15 and Group II, claims 16–19. Applicants provisionally elect to prosecute Group I, claims 1–15 drawn to a camera for processing digital image data for generating color image signals for reproduction, classified in class 348, subclass 148 with traverse.

Applicants respectfully submit that the subject matter of Group II, claims 16–19 is sufficiently related that a thorough search of the subject matter of Group I would encompass a search for the subject matter of the remaining claims. Thus, a search and examination of the non-elected claims with the claims of Group II would not place a serious burden on the Examiner. M.P.E.P. § 803 states that “[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits.” (Emphasis added.) Applicants respectfully submit that

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this policy should apply in the present application to avoid unnecessary delay and expense to applicants and duplicative examination by the Patent Office.

Accordingly, applicants respectfully request withdrawal of the restriction requirement. If the Examiner does not withdraw the restriction requirement, applicants reserve the right to prosecute the non-elected claims in a divisional application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: December 19, 2001

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